



March 9, 2021

***Via ECF***

Honorable Edward S. Kiel  
United States District Court of New Jersey  
Martin Luther King Jr. Courthouse  
50 Walnut Street  
Newark, NJ 07101

RE: Praetorian Insurance Company, a/s/o Raymond Samoroo v. Air Vent, Inc.  
U.S.D.C. of New Jersey, No. 18-cv-12314  
WCM #122.11228

Dear Judge Kiel:

In anticipation of the March 11, 2021 status conference, we write to provide the Court with a brief summary of the pertinent and outstanding issues in the above-referenced matter.

**Jurisdictional Discovery**

Despite efforts to reach agreement on the scope of jurisdictional discovery, it appears Air Vent, Inc. and Powermax are at an impasse. In late November of 2020, counsel for Air Vent, Inc. and Powermax discussed ways to potentially limit the scope of the discovery requests. Undersigned counsel inquired into the nature of the relationship between Powermax and the various entities selling Powermax products in New Jersey. Powermax's counsel agreed to inquire about those relationships and report back for further discussions as to how best to limit the responses. The goal of obtaining such information was to hopefully allow the parties to limit the scope of discovery to a smaller set of entities. Although Powermax's counsel agreed to inquire about the relationships and report back, no additional information was provided and no agreement was reached as to the scope of jurisdictional discovery.

Powermax represented to undersigned counsel and to this Court that additional time was required to respond due to the broad nature of the requests, but ultimately provided nothing about Powermax's relationship with any of the entities identified in the discovery requests. On January 15, 2021, roughly two and a half months after the requests were served, Powermax responded, raising objection to each of the requests and providing no information on the questions targeting the nature and extent of Powermax's relationship with various retailers selling Powermax products within the State of New Jersey. Powermax appears to take the position that it need only respond to discovery regarding the direct sale of motors and, even then, only for some unspecified time period. These limitations obviously preclude Air Vent, Inc. from obtaining meaningful discovery on the jurisdictional questions. Undersigned counsel issued a deficiency letter requesting full and complete responses, but Powermax's counsel responded that no further information would be provided. Therefore, we request the Court's assistance in resolving these issues.

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Air Vent issued subpoenas to nineteen separate entities purchasing and/or selling Powermax products. Over the last two months, Air Vent's counsel has worked with counsel representing some of these entities to obtain additional information. Two of the entities denied any relationship with Powermax. Some confirmed the purchase and/or sale of Powermax products, but were unable to provide documents reflecting any activities within the State of New Jersey. A number of entities, including Walmart, were served with the subpoena and failed to respond. As we previously advised the Court, Powermax products are on the shelves of Home Depot and Walmart stores throughout the State of New Jersey. Home Depot's counsel has been working with undersigned counsel to identify documents responsive to the subpoena, but additional time is needed as we work through various issues to narrow the scope of that search. We are prepared to share additional information regarding those conversations during the status conference in the hope that the Court will acknowledge the efforts to timely conduct jurisdictional discovery and grant Air Vent, Inc. additional time.

**Discovery**

Although jurisdictional discovery has been the primary focus, the parties have also been working to complete general discovery in the case. The deposition of Raymond Samoroo is scheduled for March 30, 2021. We are working with Plaintiff's counsel to schedule the deposition of the designee for Praetorian Insurance Company in April. Finally, Air Vent, Inc. issued supplemental discovery requests to King of Fans.

Respectfully Submitted,

WADE CLARK MULCAHY LLP

*/s/ Jennifer L. Seme*

Jennifer L. Seme, Esq.

cc. All Counsel of Record (*via* ECF)